

**MINUTES OF THE
CITY PLANNING COMMISSION
MARCH 17, 2006
J. MARTIN GRIESEL CONFERENCE ROOM
TWO CENTENNIAL PLAZA – SUITE 700
805 CENTRAL AVENUE**

CALL TO ORDER

Mr. Faux called the meeting to order at 9:02 a.m.

Commission Members:

Present: Caleb Faux, James Tarbell, Terry Hankner, David Rager and Jacquelyn McCray

Community Development and Planning Staff: Margaret Wuerstle, Denise Faris, Skip Forwood, Caroline Kellam, Katherine Keough-Jurs, Steve Briggs and Jennifer Walke

Law Department:

Julia Carney

APPROVAL OF MINUTES

Submission of the minutes from the February 17, 2006 Planning Commission meeting for approval.

Motion:	Ms. McCray moved approval of minutes.
Second:	Mr. Rager
Ayes:	Mr. Faux, Mr. Tarbell, Ms. Hankner, Ms. McCray and Mr. Rager
Nays:	None, motion carried

CONSENT ITEMS

ITEM #1 A report and recommendation for the sale of the Northeast Corner of Gilbert Avenue and Morris Street.

ITEM #2 A report and recommendation on the release of an easement for a water main and appurtenances and an easement for a storm sewer that encumber the Marburg Square project on Wasson Road in Oakley.

Motion:	Ms. McCray moved approval of Consent Items #1 & 2.
Second:	Ms. Hankner
Ayes:	Mr. Faux, Mr. Rager, Mr. Tarbell, Ms. Hankner and Ms. McCray
Nays:	None, motion carried

DISCUSSION ITEMS

ITEM #3 A report and recommendation on a proposed zone change from CC-A Commercial Community Auto and SF-4 Residential Single Family District to PD Planned Development District at the property bound by Realistic Avenue, Dana Avenue and Interstate 71 in Evanston.

Ms. Katherine Keough-Jurs, Senior City Planner presented this report.

BACKGROUND:

The Keystone is a proposed new development in Evanston comprised of approximately 446,000 square feet of Class A office space on top of a three story parking structure, with an out-parcel for a restaurant or other amenity. Neyer Properties, the developer of *The Keystone*, has also been working with the Evanston Community Council, Cincinnati Recreation Commission (CRC), and Cincinnati Park Board to discuss coordination of needed improvements to the adjacent Evanston Playfield. Neyer Properties has requested a change in zoning to Planned Development (PD) for the office space portion of the project, which is bound by Dana Avenue, Realistic Avenue, and Interstate 71.

EXISTING CONDITIONS:

The northern portion of the area in question is zoned CC-A Commercial Community Auto, and the southern portion is zoned SF-4 Residential Single Family. The CC-A portion of the site was occupied by commercial uses, and the SF-4 portion of the site contained 20 single-family homes. Over the past five years, Neyer Properties has privately acquired nearly all of the residential and commercial properties in this area. Currently, there are only two residential properties not fully under control, but there is an option on both, an agreement has been negotiated with both owners, and Neyer Properties expects to close on these two properties within the next 30 days.

SUMMARY OF THE CONCEPT PLAN:

The proposed *Keystone* is a phased development consisting of three buildings totaling approximately 460,000 square feet of Class A office space. Parking will be provided with a plaza level lot and three structured levels below grade containing approximately 1,800 parking spaces.

Office Buildings A, B, and C are proposed to be 7 stories, 6 stories, and up to 5 stories respectively, above the parking garage. The proposed building setbacks are thirty (30) feet from the I-71 right of way and zero (0) feet from Dana and Realistic Avenues, as the corners of Building C will come directly to the lot line. The total project investment is estimated at \$70,000,000 and will bring nearly 2,000 office related jobs to the Evanston community and the City of Cincinnati.

The topography of the site slopes down from the intersection of Dana and Realistic Avenues toward I-71. The parking structure is underground below Office Building C, but because of the topography, all three levels are above grade and open to the air facing I-71, allowing for a substantial portion of the garage to receive natural light and ventilation. Approximately 1.3 acres of the 7-acre development are proposed as open space or landscaped areas. Pedestrian walkways are also planned throughout the development; there is also a .4-mile walking trail planned on the adjacent Evanston Park Master Plan, outside of the area for rezoning.

BASIC REQUIREMENTS OF A PLANNED DEVELOPMENT DISTRICT:

According to Section 1429-05 of the Cincinnati Zoning Code, a PD District and development within a PD District must comply with the following:

- (a) *Minimum Area* – The minimum area of a PD must be two contiguous acres. The site of the proposed *Keystone* development is approximately 7 acres; the property requested for rezoning is approximately 11.75 acres.
- (b) *Ownership* – Neyer Properties has acquired nearly all residential and commercial properties. Two residential properties not fully under control are expected to close in the next 30 days. Neyer is also working with the Ohio Department of Transportation (ODOT) to acquire excess remnant parcels from the construction of Interstate 71.

- (c) *Multiple buildings on a lot* – more than one building is allowed on a lot. There will be three buildings on this site, on top of a three-story parking garage.
- (d) *Historic Landmarks and Districts* – the site is not in a historic district nor does it contain any historic landmarks.
- (e) *Hillside Overlay Districts* – the site is not located in a Hillside Overlay District.
- (f) *Urban Design Overlay District* – the site is not located within an Urban Design Overlay District.

CONCEPT PLAN AND DEVELOPMENT PROGRAM STATEMENT:

According to Section 1429-09 of the Cincinnati Zoning Code, a petition to rezone a property to PD must include a concept plan and development program statement. The purpose is to describe the proposed use or uses to be conducted in the PD District. The concept plan must include text or diagrams that specify:

- (a) *Plan Elements* – the applicant has submitted a survey of the site, including a metes and bounds description and has included sufficient information regarding proposed land uses, building location, streets and driveways, building set back lines, building heights, and open space.
- (b) *Ownership* – the applicant is in the process of acquiring all property.
- (c) *Schedule* – Demolition began in February 2006 and completion is expected by April 2006. Earthwork is expected to occur in 2006. Depending on market conditions, construction is proposed as follows: Phase I (Office Building C) first quarter 2007 – second quarter 2008; Phase II (Office Building B) second/third quarter 2007 – fourth quarter 2008; Phase III (Office Building A) 2008 - 2009.
- (d) *Preliminary Reviews* – All utilities are available to the site and at adequate capacities. Neyer Properties has been coordinating the infrastructure design with MSD, GCWW and other City departments including the Department of Transportation and Engineering (DOTE) and the Cincinnati Recreation Commission (CRC). To ensure that all proposed infrastructure was sufficient, Planning Staff circulated a copy of the concept plan to these City departments and will circulate the final development plan upon submission.
- (e) *Density and Open Space* – the site plan shows the location of all open space. The open space is approximately 1.09 acres in size, which is about 18.6% of the total site acreage.
- (f) *Other Information* – Although not within the zone change boundary, Neyer Properties has worked with the Evanston Community Council, the Park Board, CRC and other City agencies to assist in improvements to the adjacent Evanston Playfield. Proposed improvements include: the addition of park land to allow for a full-sized baseball diamond and a full sized football field that can co-exist without interference to the baseball infield, restoration of the swimming pool, renovation of the historic pool house, new basketball courts moved to a more visible location, and the addition of a .4-mile walking trail, a new playground (potentially a 1,000 Hands Playground) and new adjacent parking. Evanston Community Council, the Park Board and CRC have approved these improvements.

PLANS:

This property is within the Evanston NBD Urban Renewal Plan, adopted in 1998 and amended to include this project in 2006. It was determined that an amendment to this Plan was appropriate, as the circumstances of the site had changed to include this new neighborhood-supported development. City Planning Commission approved the amendment on January 20, 2006 and Cincinnati City Council approved the amendment on February 23, 2006.

PUBLIC COMMENT:

A public Staff Conference was held on February 16, 2006. The only attendees were representatives from Neyer Properties and the Evanston Community Council, who were all in attendance to support the zone change. Representatives of Neyer Properties, Inc. have met with Evanston Community Council leadership on many occasions to discuss this potential project. The full Evanston Community Council heard a presentation on this development at the October 2005, January 2006, and February 2006 meetings.

A vote on this zone change was originally scheduled for the February 16, 2006 meeting of the Evanston Community Council. At that meeting, two residents raised some concerns about the project, so the Community Council agreed to delay the vote on this issue until the following month. Since that time, the Community Council has met with Neyer Properties and the concerned residents to discuss the issues. The Evanston Community Council is scheduled to officially vote on this issue at their March 16, 2006 meeting. Community Council leadership was in support of scheduling this item before the Planning Commission for March 17, 2006, with staff's recommendation in favor of the zone change to be contingent upon the approval of the Evanston Community Council the previous evening.

CITY PLANNING COMMISSION ACTION:

According to Section 1429-11(a) of the Cincinnati Zoning Code, City Planning Commission may recommend approval or conditional approval, with restrictions on the establishment of a PD District on finding that all of the following circumstances apply:

1. The PD concept plan and development program statement are consistent with applicable plans and policies and is compatible with surrounding development;

The *Keystone* development is consistent with the Evanston NBD Urban Renewal Plan as amended in 2006. It is compatible with surrounding development as it is bound by Interstate 71 to the south and east, commercial and manufacturing development to the north, and a park to the west.

2. The PD concept plan and development program statement enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved;

The *Keystone* development proposes a design that orients two buildings toward the highway and one toward Dana Avenue, allowing for a pleasing view from both locations. The development also proposes underground parking in order to minimize surface parking and maximize open space. Traditional office or commercial zoning would not have allowed the flexibility needed to accomplish this site design.

3. Deviations from the base district regulations applicable to the property at the time of the PD application are justified by compensating benefits of the PD concept plan and development program statement;

The property located in the SF-4 Residential Single Family district will completely change uses – it will be demolished and will be the southern portion of the office development. The northern portion of the site, currently zoned CC-A Commercial Community Auto, currently allows more intensive uses than the new development proposes. The new greenspace within the development and the park improvements outside of the zone change boundary both will make great improvements to this area.

4. The PD concept plan and development program statement includes adequate provisions for utility services, refuse collection, open space, landscaping, buffering, pedestrian circulation, traffic circulation, building design and building location.

All aspects are covered in the concept plan as submitted.

FINAL DEVELOPMENT PLAN:

Pursuant to Section 1429-13 *Final Development Plan*, a final development plan and program statement would be submitted to City Planning Commission after approval of the concept plan and Planned Development (PD) designation by City Council.

A final development plan must be filed for any portion of an approved concept plan that the applicant wishes to develop and this plan must conform substantially to the approved concept plan and development program statement. The final development plan requirements anticipate changes from the concept plan by requiring significantly more detail. Approval of the final development plan would allow the developer to obtain building permits. The process allows the City Planning Commission to authorize Staff to approve minor amendments that might become necessary and outlines the process for major amendments that must be reviewed and approved.

CONCLUSIONS:

1. The re-zoning of the property bound by Realistic Avenue, Dana Avenue, and Interstate 71 to Planned Development is necessary for construction of the proposed *Keystone* development.
2. The applicant, Neyer Properties, has submitted a satisfactory concept plan and development program statement and has successfully met all basic requirements of the Planned Development District.

RECOMMENDATION:

The staff of the Department of Community Development and Planning recommends that the City Planning Commission take the following action:

1. **Accept** the concept plan for the proposed *Keystone* development contingent upon the approval from Evanston Community Council; and
2. **Approve** the zone change from CC-A Commercial Community Auto and SF-4 Residential Single Family District to PD Planned Development District at the property bound by Realistic Avenue, Dana Avenue, and Interstate 71 in Evanston, contingent upon the approval of Evanston Community Council.

DISCUSSION:

Ms. Keough-Jurs addressed the Commissioners and stated that this section of land was before the Planning Commission in January, as part of the 1998 Evanston Urban Renewal Plan, which was approved by the Commission as well as City Council.

She added that there were three buildings being proposed, which were approximately 460,000 square feet of office space, as well as a three-story, underground parking garage, which would allow for 1,800 parking spaces. Ms. Keough-Jurs stated that the northern portion of the property is zoned CC-A. The southern portion is zoned SF-4 and Neyer Properties has been acquiring these properties for the past five years. The properties that were zoned residential had also been acquired by Neyer. However, they had not closed on two of them. Both of the closings were scheduled within the next two months on those

properties. She went on to say that there were two vacant buildings on the site, which have already been demolished.

Ms. Keough-Jurs added that Neyer Properties had been working with the Evanston Community Council, the Park Board and CRC to make much needed improvements to the Evanston Play Field. She stated that approximately 1.3 acres of the 7-acre development site would be open space and Neyer Properties would be making additions to the play field such as adding a walking trail, new ball fields and playground, restoration of the pool house and renovation of the swimming pool.

Ms. Keough-Jurs stated that Neyer Properties and the Evanston Community Council had worked very well together and that successful developments such as this one would be a positive influence for the business community as well as the residential community. Ms. Sharon Muyaya of the Evanston Community Council was present for any questions from the Commissioners.

Motion: Ms. Hankner moved to approval of the Staff Report and the zone change.
Second: Ms. McCray
Ayes: Mr. Tarbell, Mr. Faux, Mr. Rager, Ms. McCray and Ms. Hankner
Nays: None, **motion carried**

Mr. Faux stated that due to time constraints as well as the number of speakers for the upcoming Items on the Agenda, the Commission would move on to Items #5, #6 and #7 for discussion and then go back to Item #4.

ITEM #5 Proposed text amendment to §1419-21. Limited or Full Service Restaurant.

Margaret Wuerstle, Chief Planner, presented this item.

PROPOSED TEXT AMENDMENT:

§ 1419-21. Limited or Full Service Restaurants and Drinking Establishments.

Outdoor ~~eating~~ areas of limited or full service restaurants and drinking establishments must be located, developed and operated in compliance with the following:

- (a) Residential District Boundary Line. For the purposes of this section the term "residential district boundary line" shall mean the district boundary line of the SF-20, SF-10, SF-6, SF-4, SF-2, RMX, RM-2.0, RM-1.2, and RM-0.7 districts.
- (b) **Location.** Outdoor ~~eating~~ areas on any public sidewalk or alley requires a revocable street privilege.
- (c) **Maximum Size.** Within 500 feet of a residential district boundary line. ~~The~~ outdoor ~~eating~~ area may not exceed ~~25~~ 50 percent of the indoor ~~eating~~ area accessible to the public; ~~excluding other space not accessible to the public.~~ Additional area requires conditional use approval pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions and Conditional Uses.
- (d) **Barriers.** Decorative walls or fencing must enclose an outdoor ~~eating~~ area.
- (e) ~~Alcoholic Beverages. The provision of alcoholic beverages must be secondary and accessory to the provision of food.~~

- (f) **Cooking Facilities.** ~~Cooking facilities may not be located in outdoor eating areas.~~
- (g) **Live Entertainment.** ~~Live entertainment may not be presented in outdoor eating areas.~~ Within 500 feet of a residential district boundary line, entertainment, including the use of audio/visual equipment or amplified sound is prohibited unless conditional use approval is obtained pursuant to the procedures and criteria of Chapter 1445, Variance, Special Exceptions and Conditional Uses.
- (h) **Fixtures.** Furniture and fixtures provided for use in an outdoor eating area may consist only of movable tables, chairs, umbrellas, planters, lights and heaters. Lighting fixtures may be permanently affixed onto the exterior front of the building. All movable furniture and fixtures must be removed during the off-season.
- (i) **Hours of Operation.** Within 50 feet of a residential district boundary line, the use of outdoor eating areas is prohibited between 11 10 PM and 7 AM on weekends Friday and Saturday and 10 9 PM and 7 AM on weekdays on all other days unless conditional use approval is obtain pursuant to Chapter 1445 Variance, Special Exception and Conditional Uses. In all other locations, the use of outdoor areas shall be prohibited after 2:00 AM.
- (j) **Breweries and Wineries.** Beer and wine production accessory to a limited or full service restaurant is limited to an area that may not exceed 10,000 sq. ft and may not produce any objectionable odor, dust or fumes.
- (k) **Required Buffer Yards.** Where any side or rear yard of the permitted use abuts a residential district boundary line, a 10 foot buffer area ensuring visual and sonic separation shall be provided.pursuant to Chapter 1423-03 Landscaping Plan.
- (l) **Parking Requirements for Outdoor Areas.** Off-street parking shall be calculated at 1 space per 300 square feet of outdoor floor area. Off-street parking facilities must be made permanently available to the use served.

JUSTIFICATION:

On December 16, 2005 the Planning Commission made recommendations to City Council on text changes to the Zoning Code for the regulation of outdoor eating and drinking areas. The Economic Development Committee of City Council held a public meeting on the proposed text changes on February 6, 2006. Based on comments received during the public meeting, revised text changes were submitted by Councilmember Chris Bortz and Councilmember David Crowley for consideration by the Planning Commission. The Planning Commission tabled the changes proposed by Councilmember Bortz and Councilmember Crowley at the March 3, 2006 meeting of the Planning Commission until a meeting could be scheduled to discuss the impact of the proposed changes. The above text amendments are the result of the meeting with the Council members, Planning staff and Planning Commission Chair, Caleb Faux.

DISCUSSION:

Mr. Faux stated that this Item had been discussed on several occasions in the past. He went on to say that he had a meeting with City Council members Bortz and Crowley, along with Ms. Margaret Wuerstle, Chief Planner, in an attempt to come to an agreement on this issue. He stated that they discussed the fact that the Planning Commission had recommended conditional use approval for tavern owners for any outdoor activity within 150 feet of a residential boundary line. Mr. Faux explained that there had been objections from residents with regard to the 150-foot boundary line being too short a distance as well as objections from business owners who felt that the 150-foot boundary was too restrictive.

He then explained that during that meeting they tried to separate outdoor eating and drinking from outdoor entertainment. He said that outdoor entertainment would require conditional use approval within 500 feet of a residential boundary. The amendment before the Commission today specifically defined what was meant by “residential boundary” and also proposed a definition for “outdoor entertainment.” He then explained that a buffer yard of 10 feet, with sonic separation is being required for properties abutting a residential district boundary line. Also, a regulation for a separate parking requirement for the outdoor area was being provided.

Ms. Julia Carney recommended that the parking section of the proposed item be listed in the Cincinnati Zoning Code under the current parking section. Ms. Margaret Wuerstle, Chief Planner, stated that these were supplemental regulations specifically for outdoor areas. She went on to say that there are different standards for outdoor areas and everything that pertains to them including buffers and parking should be contained in this section.

Mr. Steve Slack representing Clifton Town Meeting, stated that the amendment suggests that cooking would be allowed next to a residential neighborhood. Mr. Tarbell stated that cooking was not a zoning issue and the Commission would like to leave those things for the Health Department, the Building Department and the Licensing Authority for liquor licenses.

Mr. Carl Uebelacker addressed the board and stated that he would only address the current changes that have been made, as they appeared to be more neighborhood friendly. However, he stated that the hours of operation are too permissive and too close to residences. He said that the 50-foot stipulation in the code was too close to residences and if the distance were 51 feet, the business owner would not need a conditional use permit. He stated that 50 feet was the distance from where the Commissioners were sitting to the elevators in the hallway and felt that providing for a distance separation of only 51 feet was gross abuse to the neighborhood. He stated that in the Riverfront District the current code requires a separation of up to 100 feet. He then said that this change would permit outdoor areas of bars, nightclubs, lounges and dancehalls, as well as all restaurants, to be adjacent to a residential district with only restricted hours if they were three car lengths away, which was approximately 51 feet. He also stated that the maximum size of the outdoor area was changed to a maximum of 50 percent of the indoor area. He went on to say that 25 percent of the indoor area had been the standard for more than a decade and he felt that this should not be changed.

With regard to cooking facilities, Mr. Uebelacker stated that outdoor fires should not be permitted due to the undesirable offensive odors and smoke that they produced. He said that the Board of Health regulations only control cleanliness of the cooking operation and not the smells that they produced. He said that the smells from outdoor cooking could permeate an entire area. He then gave an example of a restaurant on Montgomery Road that produces a cloud of smoke that blankets the area surrounding it and he stated that you could smell the smoke for blocks. He went on to say that he felt the Commission should continue to prohibit outdoor fires and cooking.

Ms. Hankner asked how the 50-foot number for the outdoor area came into consideration. Mr. Faux explained that the proposal forwarded to City Council required a conditional use approval for a business within 150 feet. He went on to say that the counter proposal that City Council sent back to the Commission required conditional use approval for any outdoor entertainment within 500 feet, but made everything else an “as-of-right” use. He stated that he felt the Commission would certainly be within their rights if they wished to make that distance greater. Ms. Hankner said that the 50-foot distance was too short of distance and felt that the Commission should change it to 150 feet.

Mr. Tarbell gave examples of outdoor eating and drinking establishments in the City and their locations. He stated that the only complaint that came from residents was with the largest of these establishments, which also had the youngest patrons. He also stated that the restaurant was adjacent to an apartment building. Mr. Tarbell stated that one of his examples was directly located under three floors of apartments. Mr. Uebelacker said that it was not zoned as residential, but was zoned commercial. Mr. Tarbell also added that he did not think the Commission should make their decision based on what may happen in the future, but only on past experiences.

Mr. Uebelacker stated that there was a liquor establishment in his neighborhood that had forced three homeowners to move because they did not get a resolution to their problem from the police with regard to the noise ordinance.

Mr. Dave Zimmerman, Chairman of the Zoning Committee of Mt. Adams, stated that in Mt. Adams on Friday and Saturday nights there was an excess of party buses, illegal parking and parking on private property. He stated that there was a great deal of vandalism and graffiti as well. He stated his Committee feared that these changes would increase vandalism and litter. He went on to say that there were 14 bars within a 5-block area and to the citizens of Mt. Adams it was more than just a noise issue.

Ms. Gerry Kraus, addressed the Commissioners and stated that when Xavier opened their new pavilion they had outdoor entertainment and because of the complaints from the neighborhood, they were gracious enough to close it down. She also stated that an indoor establishment on Reading Road was such a problem that neighbors much further than 150 feet away complained and the establishment was ultimately voted to prohibit alcohol.

She also stated that at the hearing before the Economic Development Committee, Mr. Monzell asked how other communities such as Newport, Blue Ash and Montgomery were regulating this problem. She stated that these communities did not allow outdoor entertainment. Also, she added that in Newport there was a 500-foot restriction and in Blue Ash, the restriction was 200 feet.

Mr. Faux stated that Ms. Wuerstle had prepared some significant research on other cities regarding this matter and her findings were brought to the meeting with the Council members. He also stated that Cincinnati is certainly more lenient on this issue than other surrounding cities.

Mr. Jerry Tokarsky, President of the Mt. Adams Civic Association, said he was perfectly aware of what the hospitality industry needed in order to stay successful. However, the needs of residents and property owners were important as well and the issue of noise was discussed at almost every meeting he attended in his community. Mr. Tokarsky stated that there were four establishments with outside areas within 300 feet of each other. He stated that each of those establishments had a considerable number of complaints against them regarding loud music or activity. He went on to say that an outdoor area was not an easy thing to maintain for the owner and not an easy thing for the community to accept. He added that it was in the interest of the tavern owners to attract more business to their establishment by offering more entertainment than their competitors in the area.

Ms. Hankner stated that she felt that the Commission needed to be sensitive to the hospitality industry as well as the communities and property owners. She stated that she was not persuaded that 50 feet was enough distance from a noise standpoint. She stated that she would like to amend §1419-21 to state that a conditional use was needed within 150 feet of a residential district, instead of 50 feet.

Ms. McCray stated that in §1419-21 section (c) she would propose to have the 25 percent of the indoor area to stay the same and not changed to 50 percent, and that the applicant could go larger with a conditional use approval. Mr. Tarbell stated that during the warmer months, outdoor areas generate lots

of business for the tavern owners and he felt that City Council would reject that change. Mr. Faux stated that Ms. Wuerstle had brought a map to the meeting with the Council members that showed every bar and restaurant. With the exception of the downtown area, they all were within 500 feet of a residential district boundary line. The Commission would be imposing the restrictions on every place within the City. At the suggestion of Mr. Faux, Ms. McCray stated that she would like the restriction to be within 150 feet and only a maximum of 25 percent of the indoor area. More space would require conditional use approval.

Mr. Tarbell stated that the examples of outdoor areas he gave previously exceeded 50 percent of their indoor area. Mr. Tarbell reiterated that he felt these businesses were successful because of their outdoor areas and they had not been any trouble in the past. Mr. Tarbell went on to say that if the tavern owners could not go to a certain size of outdoor area, it would not be practical to operate. He felt that a middle ground would be 50 percent. Mr. Faux reiterated that Mr. Tarbell would oppose 25% of the indoor area within 150 feet of a residential district boundary line. Mr. Tarbell agreed.

Ms. Hankner stated that she felt Ms. McCray's motion was reasonable and that she does not believe that the stipulation would prevent anyone from operating a business. Mr. Rager asked what the criterion was for obtaining conditional use approval. Mr. Faux stated that Mr. Kurtz, the Hearing Examiner, would see the application and examine the circumstances in question and make a decision. Julia Carney supplied Mr. Rager with a copy of the conditional use criteria. Mr. Faux then asked if there were any more suggestions and Ms. Carney stated that §1425-19-A needed the parking amendment for outdoor areas to be added.

Motion: Ms. Hankner moved to amend §1419-21 (i) to change 50 feet to 150 feet.
Second: Ms. McCray
Ayes: Mr. Faux, Mr. Rager, Ms. Hankner, Ms. McCray and Mr. Tarbell
Nays: None, **motion carried**

Motion: Ms. McCray moved to amend §1419-21 (c) to read outdoor areas may not exceed 25% within 150 feet of a residential district boundary line and 50% within 500 feet of a residential district boundary line.
Second: Ms. Hankner
Ayes: Mr. Faux, Mr. Rager, Ms. Hankner, Ms. McCray and Mr. Tarbell
Nays: None, **motion carried**

Motion: Mr. Rager moved to also include the parking requirement in §1419-21 for outdoor areas in §1425-19-A of the Zoning Code.
Second: Ms. McCray
Ayes: Mr. Faux, Mr. Rager, Ms. Hankner, Ms. McCray and Mr. Tarbell
Nays: None, **motion carried**

Motion: Ms. Hankner moved approval of the By-Leave Item #8 – A new definition for outdoor entertainment.
Second: Ms. McCray
Ayes: Mr. Faux, Mr. Rager, Ms. Hankner, Ms. McCray and Mr. Tarbell
Nays: None, **motion carried**

William Forwood, Urban Conservator, presented this item.

PROPOSED TEXT AMENDMENT:

§ 1427-01. Purposes.

The purpose of this Chapter is to regulate the display of signs that pertain to businesses, activities and uses that take place on the same premises as where the sign is located. Signs that do not pertain to a business, activity and use that takes place on the same premises as where the sign is located are regulated by Chapter 895, Outdoor Advertising Signs, of the Cincinnati Municipal Code and are permitted only within the zoning districts delineated in Section 1427-17, Off-Site Signs, of the Cincinnati Zoning Code. The regulations in this Chapter are intended to:

- (a) Provide property owners and occupants an opportunity for effective identification.
- (b) Maintain and enhance the quality of the City's appearance by limiting the number, area, location and design of signs permitted on all sites.
- (c) Protect Residential Districts from adverse impacts of excessive signs both from within residential districts and from surrounding districts.
- (d) Reduce sign clutter.
- (e) Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment.
- (f) Provide reasonable, yet appropriate conditions for identifying goods sold or produced or services rendered in all zoning districts.
- (g) Control the size, location and design of temporary and permanent signs so that the appearance of such signs will be aesthetically harmonious with their surroundings and will enhance the overall appearance of the built environment.
- (h) Eliminate any conflict that could be hazardous between commercial or identification signs and traffic control devices and signs.
- (i) Preserve and perpetuate uncluttered and natural views, significant architecture and cultural resources for the enjoyment and environmental enrichment of the citizens of the community and visitors.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

Referenced Section (Unchanged):

§ 1427-17. Off-Site Signs.

Off-Site Signs are permitted only in the CC-M, CC-A, CG-A, MG, and ME zoning districts and must be displayed in compliance with Chapter 895, Outdoor Advertising Signs, of the Cincinnati Municipal Code.

(Ordained by Ord. No. 15-2004, eff. Feb. 13, 2004)

JUSTIFICATION:

In its consideration of other changes to Chapter 1427, Signs of the Zoning Code on February 17, 2006, the Planning Commission heard testimony suggesting that language in Section 1427-01 implies that Outdoor Advertising Signs may be subject to the sign regulations for each zoning district in which they

are allowed. It was argued that if this were the case, billboard signs would be effectively eliminated. For instance, Chapter 895 allows a maximum area of 672 square feet for ground signs; however, the zoning code limits them to 72 square feet in the CC-A, CG-A, MG, and ME zones and to 36 square feet in the CC-M.

The proposed change eliminates the unintended consequence of language added in the Zoning Code rewrite. It clarifies that Chapter 1427 Signs of the Zoning Code only identifies the zoning districts that permit outdoor advertising signs, but that Chapter 895, Outdoor Advertising Signs, of the Cincinnati Municipal Code governs their location, dimensions, content and all other characteristics and limitations.

DISCUSSION:

Mr. William Forwood, Urban Conservator, addressed the Commission and stated that there was a potential problem with billboards and this was an attempt to clarify where Chapter 895 was applicable and where the Zoning Code was applicable. He then stated that under the present language, it suggests that all outdoor, offsite advertising signs are restricted to the more restrictive regulation of the Zoning Code, which would put restrictions on the sign size. He went on to say that if the sign industry were required to restrict itself to a maximum of a 72 square foot sign, it would have a negative impact on the billboard industry, which was allowed to be up to 672 square feet under Chapter 895 of the Municipal Code.

Mr. Forwood explained that Staff is suggesting a text change to the sign code relating to outdoor advertising signs that would clarify that the authority under that section was to restrict the zoning districts in which billboards are permitted. The regulation of how billboards are erected, and where, the content and other dimensional requirements would remain under Chapter 895.

Ms. Carney stated that the City had never regulated billboards through the Zoning Code, but there was some concern that it could be interpreted incorrectly. Mr. Forwood stated that a ground sign could only be 72 square feet under the current Zoning Code. Mr. Faux said that they would be regulating what zoning districts the billboards would be permitted in and Chapter 895 would regulate the size of the signs.

Mr. Ely Ryder, along with Mr. Steve Knapp, Vice President of Real Estate for Norton Outdoor Advertising, addressed the Commissioners stating the same debate, as the previous debate on the issue of outdoor eating and drinking, happened with Chapter 895 when it was adopted some years ago. He went on to say that if there were a desire for there to be further regulation of outdoor advertising, he believed that the appropriate forum would be to amend Chapter 895 and not the Zoning Code.

Mr. Knapp stated that Chapter 895 has worked since 1989, there were no problems with it and he wanted it to remain the same.

Mr. Carl Uebelacker stated that this proposed change would permit huge billboards in many previously prohibited locations. The districts he spoke of were commonly associated with stores, shopping centers and other retail areas. He said that most of them are adjacent to or very near to residential districts. He went on to say that the square footage for signage permitted in Chapter 895 was a size used for Interstate roadways. He said that there was no problem with them being on Interstates, but there were issues with them being on residential and collector streets. He asked the Commission to consider not permitting signs of this size to be within 200 feet of a residential district.

Mr. Uebelacker then produced pictures that he shared with the Commissioners of a site where a billboard was proposed. He stated that the billboard proposed was 40 feet tall, 25 feet wide and 12 feet high in size. He went on to say that this was considered an Interstate billboard that would be erected on a

predominately residential street. Mr. Uebelacker asked the Commission to not permit these kinds of signs in residential districts.

Ms. Carney stated that she wanted to clarify that §1427-01 was a purpose statement and not a regulation. She said that it describes the City’s intent with the zoning district and it was not a regulation.

Ms. Hankner asked Ms. Carney what the procedure would be to change Chapter 895. Ms. Carney stated that it would take an Ordinance before City Council to change it and the Planning Commission did not have the authority to do that.

Mr. Reggie Lyons, Zoning Manager, stated that he was a member of the Sign Task Force as was Ms. Julia Carney of the Law Department. He stated that the Task Force had never discussed eliminating billboards in the commercial districts. He said that the discussion from the Task Force was that they did not want to pursue the billboard issue because they were protected under Chapter 895. Mr. Lyons went on to say that the intent was not to eliminate billboards, because there would be legal ramifications if they did.

Mr. Michael Ramundo stated that his career had been in marketing and customer service. He went on to say that for 16 years he had run his own company. He said that signage certainly falls under the marketing aspect of his career and marketing is something that had to be tolerated and not encouraged. He said that billboards and signs were pollutants. He went on to say that advertising was something that had to be done to keep the economy going, but it was paid for by consumers and taxpayers. He then made reference to the drug companies and how the country had survived hundreds of years prior to drug companies advertising drugs. He said that the advertising industry pushed that legislation and now more money was spent on advertising drugs than there was money being spent on research to develop new drugs.

- Motion:** Ms. Hankner moved approval of Item #6.
- Second:** Ms. McCray
- Ayes:** Mr. Tarbell, Mr. Faux, Mr. Rager, Ms. Hankner and Ms. McCray
- Nays:** None, **motion carried**

ITEM #7 Proposed text amendment to Schedule §1409-07: Use Regulations – Commercial Subdistricts on zoning text as it relates to Contractors Storage Facilities

Ms. Margaret Wuerstle, Chief Planner, presented this item.

PROPOSED TEXT AMENDMENT:
2. Contractor Storage Facilities & Radio and Television Broadcast Antenna
Schedule 1409-07: Use Regulations - Commercial Subdistricts

<i>Industrial Uses</i>						
Production Industry						
Artisan	--	--	--	--	P	P
Limited	--	--	--	--	P	P
Warehousing and storage						
Contractor storage	--	--	--	L5 --	L5	P <u>L5</u>
Indoor storage	--	--	--	--	P	P
Wholesaling and distribution	--	--	--	--	P	P

Transportation, Communication and Utilities Uses							
Communications facilities	P	P	P	P	P	P	
Public utility distribution system	P	P	P	P	P	P	
Radio and television broadcast antenna	--	--	--	--	P C	P C	

Specific Limitations							
L1	Only rooming houses licensed pursuant to Chapter 855. Rooming Houses of the Municipal Code; the maximum number of rooming units is five, and a separate entrance for access to rooming units must be provided. The minimum rental is seven days. See § 1421-43.			L2	Permitted only above the ground floor in a mixed use building.		
L3	Fencing, a minimum of four feet in height must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.			L4	Permitted, provided that there are no outdoor exercise areas, yards or pens and mechanical ventilation and air filter devices must be provided.		
L5	Permitted provided outdoor storage is screened so as not to be visible from adjacent streets.			L6	Presentation of entertainment is not permitted in outdoor areas.		
<u>L5</u>	<u>Provided that outside storage is screened with an 8ft. privacy fence.</u>						

Reason: The location of a contractor storage in the CC Districts creates a bad image for the commercial districts. This type of use typically has things that create an eye sore for the business district and the neighborhood. The CC Districts are typically areas such as Pleasant Ridge, Oakley, and Kennedy Heights etc. In addition, the committee wanted to eliminate radio and television broadcast antenna as a permitted uses and change it to a conditional use, so that each new use can be reviewed before approval is granted.

JUSTIFICATION:

On December 16, 2005 the Planning Commission asked that the Law Department and Planning Division staff discuss the fence requirement and develop new language that would not conflict with other sections of the code. The Commission held this item until the new language could be brought to them for consideration. Upon discussion of this item it was determined that there was not a conflict with other sections of the code. It was the consensus of the Pre-Planning Commission Committee that this item be recommended for approval.

DISCUSSION:

Ms. Wuerstle stated that this item had been included with the amendments for the signage chapter and the direction given by the Board was for Staff to reconsider this item because the Law Department said there were conflicts within the code regarding this issue. She stated that after further research, there were not any conflicts. She said that the request was to permit an 8-foot fence around contractor storage facilities.

She also stated that the Law Department and Buildings and Inspections had discussed this item and there were no issues with it.

Motion: Ms. Hankner moved approval of Item #7.
Second: Mr. Tarbell
Ayes: Mr. Tarbell, Mr. Faux, Mr. Rager, Ms. Hankner and Ms. McCray
Nays: None, **motion carried**

Ms. McCray left the meeting at 10:40 a.m.

ITEM #4 A report and recommendation on the Planned Development Districts Study that was requested by the City Planning Commission on January 20, 2006.

Mr. Steve Briggs, Senior City Planner provided this Item.

BACKGROUND:

On January 6, 2006 the City Planning Commission extended the concept approval for Planned Development Districts that lack final development plans for a period of one year to February 13, 2007 as permitted by Chapter 1429 Planned Development Districts of the Zoning Code. Staff was instructed to study the initial 37 Planned Development Districts that lack final development plans and begin the zone change in process as necessary.

On February 15, 2006, it was determined by the Law Department and planning staff that if a covenant is on file for the property, then a zone change is not necessary. The covenant or the Final Development Plan serves as the zoning guidelines for the property so the property would remain a PD District.

DISCUSSION:

Staff conducted a review of the initial 37 PD Districts. The purpose of the review was to determine the status of each district; 1) Origin: T Zone or Planned Unit Development or Special Housing Overlay District; 2) Evidence of an approved final development plan; 3) Status of the development in regards to construction or on the alternative if the project has been built out with no with further development anticipated.

After review of the initial 37 PD Districts, there are three PD Districts with approved Final Development Plans; PD-7 Laurel Court, PD-18 McMillan Manor and PD-37 Marburg Square and 25 PD Districts that were Planned Unit Developments that have a covenant on file. The 25 PD Districts that do not require further zoning analysis are as follows:

PD-5: The Windings of Lafayette in Clifton, an approved PUD within a Historic District. The development is built out. This PD was approved by the Historic Conservation Board in September 1987. Prior zoning was R-1A and the abutting zoning is SF-20.

PD-6: Mt. Airy Oaks is located at 2461 North Bend Road, in the Mt. Airy neighborhood. This PUD was approved on December 18, 1998 for 152 condominium units on 33.3 acres. Building permits were issued prior to the adoption of the current code. The development is nearing completion. Prior zoning was R-2 single family.

PD-7: Laurel Court, 5870 Belmont Avenue is located in the College Hill neighborhood. This is a local historic structure. A final development plan was reviewed by the City Planning Commission

on February 4, 2005 to finish building renovation, construct a parking area and erect screen fencing. This site was originally approved as a Planned Unit Development by the Historic Conservation Board for a conference facility within a R-4 Multi-family zone. The current zoning abutting the property is RM-2.0, SF-6 and SF-20.

PD-9: Stetson Village, Highland Avenue, Stetson Street and Eden Avenue, is located in the Corryville neighborhood. This Planned Development has been the subject of a series of Notwithstanding Ordinances first issued in early 2004 (Ord.#54-2004) and again in 2005 (Ord.#374-2005). Building permits were issued prior to the adoption of the current code. The project was informally presented to the CPC in July 2005 to supplement the discussion concerning the vacation and sale of Gerard Street and Stetson Street. The current abutting zoning is RMX and RM-1.2.

PD-10 There is no PD-10.

PD-11: Elizabeth Gardens, 2528 Hackberry Street is in the East Walnut Hills neighborhood. It was approved as a Planned Unit Development on April 7, 2000 for 23 dwelling units in 5 buildings. Initial building permits were issued prior to the adoption of the current code. Phases one and two are completed across the Hackberry Street frontage and phase three is under construction. The CPC approved Plat of Subdivisions on December 3, 2004 and August 18, 2005 for phases two and three.

PD-12: Stratford Heights – Located west of Clifton Avenue and north of Straight Street in the Heights neighborhood. This PD was for dormitory style housing and activity buildings for fraternity and clubs associated with the University of Cincinnati. This was initially approved as a Planned Unit Development on 10.6 acres on December 10, 2002. Building permits were issued prior to the adoption of the current code. The project is occupied. Prior zoning was R-5 and R-6 Multi-family. The current abutting zoning is RM-0.7, SF-20 and IR.

PD-14: Herschel Avenue PD is a planned unit development approved on January 5, 1981 for 23 dwelling units on 2.4 acres. Prior zoning was R-3. The current abutting zoning is SF-6. The development has been occupied for more than 23 years.

PD-16: Is located at the intersection of Collins Avenue and Eastern Avenue north and south of Eastern Avenue in the East End community. This PD contains two approved Planned Unit Developments, one that is completed and another with the first phased completed. The first PUD was approved on September 10, 1999 for 48 dwelling units in two buildings south of Eastern Avenue. The buildings are constructed and occupied. The second PUD was approved as a phased project on September 2, 2002 for 68 dwelling units in four buildings. The first phase containing 24 units is completed and occupied at the northwest corner of Collin Avenue and Eastern Avenue. Currently a revised concept plan is being reviewed for the second phase of this project and will be presented to the City Planning Commission in January 20, 2006.

PD-18: McMillan Manor is located at 195 E. McMillan Street in the Mt. Auburn neighborhood. The property occupies the southwest corner of the E. McMillan and Highland Avenue intersection. The property contains 1.83 acres. The City Planning Commission approved a Final development Plan for a six-story apartment building for student housing on October 15, 2004. The structure is currently under construction.

PD-19: This is a 24 dwelling unit Planned Unit Development located at 600 Delta Avenue that was approved on February 16, 1989 by the Director of City Planning. The project has been

occupied since 1991. This located within the Mt. Lookout neighborhood. The surrounding current zoning is SF-2 and SF-4. No additional development is expected.

PD-20: The Totten Way housing was a Planned Unit Development approved on March 7, 1986 for 30 dwelling units. It was located west of Totten Avenue and east of Delta Avenue in the Mount Lookout neighborhood. Prior zoning was R-3. Current abutting zoning is SF-4 and SF-6. The attached housing has been occupied since 1988. No further development is expected.

PD-21: This is a Planned Unit Development at 1038-1104 Paxton Avenue approved on August 10, 1989 for a phased development that included two existing residences and seven new single-family structures. This project is in the Mt. Lookout neighborhood. The first phase consisted of five new residential buildings and was completed by 1992. The City Planning Commission approved a Final Development Plan for phase two consisting of one single-family residences on June 18, 2004. The residence is under construction. A phase three is anticipated for the final single-family structure. The surrounding current zoning is SF-6.

PD-22: Corbly Road and Sussex Street in Mt. Washington neighborhood is the location of a Planned Unit Development approved on March 9, 1995. The project consists of 44 dwelling units for senior adult living on 3.264 acres. The surrounding current zoning is SF-6. No further development is anticipated.

PD-23: Hanover Circle is located in Mt. Washington northeast of the intersection of Beechmont Avenue and Redfield Place. The project was approved as a Planned Unit Development on December 15, 1988. The property is three acres in size. The development is built and occupied with 18 dwelling units, including detached garages. The adjoining zoning is SF-6 and RM 1.2.

PD-24: In Mt. Washington at 6341 Corbly Road is an approved Planned Unit Development on 6.22 acres. There are 37 dwelling units in 11 buildings. This project was approved on August 24, 1982. The abutting zoning is SF-6.

PD-25: Berkshire Club located in Mt. Washington is an approved Planned Unit Development that was approved on April 8, 1988. The housing project contains 72 attached units on 16.636 acres. The surrounding zoning is SF-6. The project is built and occupied. No further construction is expected.

PD-26: The Reserve of Turpin located near the intersection of Kenlee Drive and Copperleaf Avenue in Mt. Washington is a Planned Unit Development containing 216 attached dwelling units on 55.4 acres. It was approved on May 17, 1991. The abutting zoning is SF-6. The development is built out and no further construction is expected.

PD-27: This PD is In Mt. Washington at 2228 Salvador Avenue and was the first Planned Unit Development approved on February 22, 1980. This project includes 42 dwelling units on 5.85 acres. The abutting zoning is RM 1.2 and SF 6. This development is built out and no further construction is anticipated.

PD-28: Rockford Woods is located in the Northside neighborhood. This Planned Unit Development was approved on May 18, 2001 and is to contain 56 single-family homes on subdivided lots on 24.6 acres. Phase one of the development was a CiTiRAMA project with the Cincinnati Home Builders Association and consisted of 10 new homes on 19 lots on 5.6 acres. The City Planning Commission approved a Final development Plan in 2001. The adjoining zoning is SF-6. Phase two has not been started and remains a wooded landscape.

PD-30: Aston Court in the Oakley neighborhood is located at 3758 Marburg Avenue. This Planned Unit Development was approved on October 21, 1988 containing 10 dwelling units on 1.66 acres. This development is built out and no future development is anticipated.

PD-31: This Planned Unit Development is in the Oakley neighborhood at 3734 Marburg Avenue. This project was approved on February 28, 1995 with six dwelling units on 1.46 acres. The project adjoins the Hyde Park Country Club and is built out with no new construction expected.

PD-33: Parkside Court is in the West Price Hill neighborhood at 4700 Glenway Avenue. This Planned Unit Development was approved on December 3, 1991 for 28 dwelling units on 3.7 acres of land. There are 23 dwelling units constructed. The surrounding zoning is RM 1.2, SF 6, SF 10 and SF 20.

PD-34: Millennium Place is situated in the Westwood neighborhood and located northeast of the Fercroft Drive and Western Northern Blvd intersection. This Planned Unit Development was approved on April 15, 1998 for 18 single-family dwelling units on 5.11 acres. There have been four single-family buildings constructed. The street has been dedicated but not accepted by the City of Cincinnati. The surrounding zoning is SF 4 and SF 6. A Plat of Subdivision was approved by the CPC in 2002.

PD-37: Westfield Station formally Marburg Square is located in the Oakley neighborhood at the intersection of Wasson Road and Marburg Avenue. It was originally approved as a Planned Unit Development for 120 dwelling units on 4.3 acres. The City Planning Commission approved a Final Development Plan on April 15, 2005. The abutting zoning is ML, RM 2.0, SF 4 and SF 6.

Initial review by Staff determined that the following 12 PD Districts require a zoning study to be performed to determine an appropriate zoning designation for the area when the PD expires on February 13, 2007. Zoning Studies will be completed by the end of the year.

PD-1: Techsolve (formally I.A.M.S.) was previously an R-2 (T) zoning district within an Urban Renewal Area. It was approved in 1990 and has a design review component managed by the City Architect as part of the original urban renewal plan legislation and ordinance for this property. Final Development Plans have been reviewed and approved by the City Planning Commission for Lab One Inc., 6700 Steger Drive in June 2004 and Amanta Nonwovens LLC, in November 2004. These two development approvals were the most recent and probably the last since most of the land area has been developed. The neighborhood is Bond Hill.

PD-2: Kellogg Avenue, east of I-275 at Lanter Lane in California neighborhood. This is a former R-4 (T) zone established on March 12, 1997. The concept plan consists of transitional zone district guidelines – permitting office, commercial, hotel/motel, service station and residential uses. The property is currently for sale.

PD-3: 7549 Panama Street is in the neighborhood of California. The Planned Unit Development was approved for 2.8 acres of land along the Ohio River in May 2000. The plan consists of 20 dwelling units in two buildings elevated out of the flood plain. No permits were ever issued for this project. The owner of this property recently acquired the adjacent California Yacht Club and is investigating the possibility of expanding the PD district to include a mixed-use project consisting of residential, commercial and entertainment uses.

PD-4: 440 Lafayette Avenue is the Deaconess Long Term Care facility in the Clifton neighborhood. It was previously zoned R-1A and has been used as a nursing home since before 1963. This has been a non-conforming use since before the previous code's adoption. The concept plan consists of decisions by the previous Director of Buildings and Inspection concerning the extension of the non-conforming use dating from 1965 and 1973.

PD-8: E. University Avenue, Eden Avenue and Fosdick Street is located in the Corryville neighborhood. This was a Special Housing Overlay (SHO) District approved in January 2001 for 24 dwelling units in three buildings on .75 acres. Building permits were issued prior to the adoption of the current code and PD approvals by the CPC were not obtained. The project was recently completed and is occupied. Prior zoning was R-4 Multi-family. Current zoning abutting the property is RMX.

PD-13: The Marjorie Lee Home, 3870 Virginia Avenue, is located at the southeast corner of Shaw Avenue and Virginia Avenue in the Hyde Park neighborhood. The PD was formerly a R-3 (T) zone specifically created for a home for the aged on December 16, 1970. The property is 4 acres in size. The Director of Buildings and Inspection approved several expansions of the home. The T zone guidelines are the concept plan for this PD.

PD-15: Lower Price Hill Industrial Area Urban Renewal Plan was adopted by City Council on June 25, 2003 by Ordinance 243-2003. The concept plan for this PD District is the adopted Urban Renewal Plan. This area includes the Queen City Barrel property that the City of Cincinnati is negotiating to acquire. The plan proposes light industrial re-development and office uses. Final development plans for re-development are not expected until the site clean up is completed within 2-3 years.

PD-17: This PD District contains three potential projects located east of Downtown Cincinnati along Riverside Drive and Eastern Avenue. The PD District area contains approximately 65 acres. The first project is Adams Landing, the second is Stewart's Landing and the third will be on the property owned by the Burns family.

Adams Landing – The Adams Landing project is being developed by Towne Properties with approximately 600 units in five villages is exempt from the requirement of a Final Development Plan review by virtue of City Council Ordinance 407-2001 adopted on October 31, 2001. This approval pre-dates the current zoning code when the property was zoned, DD, Downtown Development District. This area contains approximately 30 acres.

Stewart's Landing – In February, March and April 2005 an informal presentation was made to the City Planning Commission. The Sawyer Place Company owns the subject property and the principal George Stewart has proposed a plan to re-develop the area south of Eastern Avenue along the Ohio River. The land area extends from the Park Board's International Friendship Park on the Ohio River eastward to the Johnson Electric Company at 1841 Eastern Avenue. The new development would be identified as "Stewart Landing". The property currently contains two large buildings that house several businesses including a marketing company, a building product supplier and a river barge terminal operation. The property is approximately 25 acres in size. The mixed-use proposal is for more than a 1,000 residential units, 250,000 square feet of commercial and office space and several towers that extend above the Columbia Parkway elevation. No action was taken by the City Planning Commission in anticipation of a formal concept plan submission at a future date.

Remaining PD-17 Property – This area contains existing lots of record south of Gladstone Avenue owned by the Southwest Ohio Regional Transit Authority (SORTA) and, Gerald R. Burns and family. Further east are various other property owners. The area contains approximately 150 parcels on 10 acres. This area was included in the PD District based on a

proposed plan presented to planning staff by the Burns family for construction of a row house development along Eastern Avenue. The project has not materialized.

PD-29: The Drexel in the Oakley neighborhood was formally a R-3 (T) district located at the intersection of Paxton Avenue and Ferdinand Place. The project includes 198 dwelling units in nine buildings 2-4 stories in height on 5.3 acres. The surrounding zoning is OL, RM 2.0, SF-4 and CG-A. The project is completed and occupied.

PD-32: Center of Cincinnati is located in the Oakley neighborhood in the vicinity of Marburg, Ridge, Alamo and Isben Avenues. Formerly a R-5 (T) zone this PD contains numerous large and small commercial businesses and some multi-family structures within a 39.5 acre area.

PD-35: Sun Chemical property located at Este Avenue, Chickering Avenue and Kings Run Drive in the neighborhood of Winton Place was a former R-5 (T) and B-3 zone. The property is approximately 15 acres in size.

PD-36: Millworks. The concept plan was presented to the City Planning Commission on March 5 2004. The Millworks is proposed as a mixed use, master planned development on the site of the former Unova, Cincinnati Milacron and Kirk & Blum properties. The site is approximately 73 acres. Phase one proposes 796,000 square feet of floor area for buildings and structures. It will be developed in two phases according to the concept plan with predominately retail, dining, grocery, personal service and entertainment uses in phase one. Phase two will contain predominately office uses. The site will be bounded by a ring road running from approximately Disney Street on the north to Marburg Avenue. The proposed road includes the widening and upgrading of two existing private streets (Disney and Forrer) to City of Cincinnati standards for future dedication. This PD is located in the Oakley neighborhood.

RECOMMENDATION:

The Community Development and Planning Department staff recommends that the City Planning Commission take the following action:

ACCEPT the Report and recommendation for Planned Development Districts that do not require zoning studies and

INSTRUCT staff to proceed with zoning studies for the 12 Planned Development Districts that do not have approved Final Development Plans.

DISCUSSION:

Mr. Briggs stated that in January 2006 the Commission reviewed the PD Districts and extended the timeframe for staff to review all 37 PD Districts created when the new code was put in place. He said that since that time, Staff had reviewed them and determined that the PD's that had a covenant on file could remain, because the covenant was actually the zoning guidelines for that PD District.

Mr. Briggs stated that 25 of the PD Districts were previously approved planned developments and the remaining 12 are PD's that do not have covenants and would require a of zoning study.

Mr. Briggs said that Staff is recommending that the Commission accept the recommendation that the PD's that do not require zoning studies remain as is and instruct Staff to proceed with zoning studies for

those that needed to be changed. He went on to say that the process had already begun and later this year there would be a number of zone change recommendations for the Commission to review.

Motion: Ms. Hankner moved approval of Item #4.
Second: Mr. Tarbell
Ayes: Mr. Tarbell, Mr. Faux, Mr. Rager and Ms. Hankner
Nays: None, **motion carried**

OTHER BUSINESS:

Mr. Rager suggested having a discussion on a time limit for the Planning Commission meetings. He asked the Staff to manage the items that would require long discussions on the agenda. He stated that it was often times difficult to hold a quorum when the meetings ran long and that speakers attending the meeting did not get a chance to speak on items.

Ms. Hankner suggested that there be a time limit on how long the speakers could take. Ms. Carney stated that the policies and procedures allow 5 minutes of testimony per public speaker. She stated that the Commissioners might want to review the policies and procedures. Ms. Hankner suggested that Staff put a notice on the speaker cards that they are limited to 5 minutes. She also requested that Staff post a sign regarding the time limit.

Finally, the Commission directed staff to put a notation on the agenda that the Commission meeting starts at 9:00 a.m. and will last until all items are covered or until 11:00 a.m. The agendas should also state the speakers time limit as well as the length of the Commission meeting.

Ms. Wuerstle asked the Commissioners if they were interested in updating the current policies and procedures, as they have not been updated in quite some time. She went on to say that she would e-mail the Commissioners the old policies and procedures for their review.

ADJOURN

Motion: Ms. Hankner motioned to adjourn.
Second: Mr. Tarbell
Ayes: Mr. Faux, Mr. Tarbell, Ms. Hankner and Mr. Rager
Nays: None, **motion carried**

Margaret A. Wuerstle, AICP
Chief Planner

Caleb Faux, Chair

Date: _____

Date: _____